

Policing after the Crisis

Crime, Safety and the Vulnerable Public

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Abstract

The growth of laws, surveillance and policing across society can be linked back to changes under the Conservative governments of the 1970s and 1980s. However, despite some 'authoritarian' developments at this time, it was not until Margaret Thatcher's demise that there was a quantitative and qualitative shift towards a form of 'governing through crime'. Many of these developments have been associated with the rise of a right wing, or neo-liberal dynamic in society. However, this paper argues that the obsession with crime, antisocial behaviour and the regulation of everyday life did not emerge as part of an aggressive form of neo-liberalism. Rather than there being an energetic politics behind these developments, it is more accurate to see the growth in law and the more direct regulation of society as a consequence of the collapse of politics on both the left and the right. Rather than competing for the conflicting political subject in society, the role of politicians now became to act as advocates for a diminished subject – the crime victim and the vulnerable public. Crime expanded as a field of governance due both to the political elite's sense of diminished capacity and control over society, and with the construction of a more fragile subject that needed increased protection.

Key Words

Victim, crime, politics, vulnerability, governing

Biography

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Introduction

The Third Way connected with the electorate, not on the basis of their collective purpose, but instead playing upon their individuation and the anxieties that arose from it. The voters were no longer represented in the polity as the collective subject of the democratic process. Instead they were recognised by the state as the isolated and persecuted victims of events beyond their control (Heartfield 2002: 199).

The UK, like the US could be seen as a nation that is increasingly governed through crime (Simon 2007). The 3000 plus new laws introduced by the Labour governments since 1997 indicates at least a quantitative growth in government legislation, and arguably a qualitatively different form of government and governing – with regulations and controls replacing politics or morals as the mechanism for directing society.

The millions of CCTV cameras, the growing number of police officers, community wardens, prisoners, school security and private security systems, the proposed ID cards and the growth of community safety initiatives and Antisocial Behaviour Orders (ASBOs) also suggest that a Culture of Control (Garland 2002) has been created in Britain.

Many of these developments are explicitly or implicitly associated with the politics, policies and attitudes of the ‘authoritarian right’: Tony Blair being seen and understood as a product of Thatcherism – as part of a neo-liberal approach to

governing – or one that incorporates a right wing form of authoritarian populism. The ideology of Thatcherism, of moral values, law and order, and individual responsibility are thus seen to have survived through the premiership of the Conservative leader John Major and then with the creation and election of ‘New’ Labour – the new party of law and order.ⁱ

For Feeley, crime controls have flourished in our ‘market society’ (Feeley 2003: 117); a society that is founded upon more individually-based relationships (Beck and Beck-Gernsheim 2002). While for Garland the Culture of Control is understood to be predicated upon “‘neo-liberal’ and ‘neo-conservative’ policies – of market discipline and moral discipline’ (Garland 2002: 197).

However, despite the ‘victory’ of the market over alternative systems of organising society, it is far from clear that this has been accompanied by a dynamic politics of the right or a neo-liberal form of governance based on moral and market discipline. In this paper the idea that today’s culture of control is predicated upon an authoritarian politics of the right is questioned. Rather, it is argued that the rise and rise of crime as an issue across society, and with it the growing regulation of everyday life, has emerged because of the collapse of Politics (with a big P) on both left and right.

Following Furedi and Lasch’s line of thought, governing through crime has become a reality at a time when the elite have had a profound loss of political imagination (Furedi 2005) and a collapse of moral purpose (Lasch 1977: 187).

In the United States in the 1970s Lasch had already observed this development when he argued that,

The demand for law and order, which at first sight appears to attempt a restoration of moral standards, actually acknowledges and acquiesces in their collapse. Law and order comes to be seen as the only effective deterrent in a society that no longer knows the difference between right and wrong (Lasch 1977: 187).

What Lasch was alluding to in the 1970s was that crime became an issue for those running society when they lost the capacity to lead people morally or politically – or to engage the ‘human subject’ in transforming society. When you no longer feel you can transform individuals’ hearts and minds, indeed when your own heart is no longer in it - you lose the sense that society can be changed – and seek instead to regulate it.

Lasch (1979), Furedi (1992) and also Jacoby in The End of Utopia (1999) have all addressed a deep seated problem within capitalist society – one described by Daniel Bell as The End of Ideology (1962) and by Jurgen Habermas, as a Legitimation Crisis (1976). Their ideas highlight a fundamental problem within capitalism over the twentieth century of a declining sense of purpose and meaning for the political elite itself, and also for society in general. This long term trend has arguably had an impact upon the elite’s sense of insecurity and direction – something that has increasingly led to a reliance upon law and order as an ‘effective deterrent’ and a mechanism for regulating a society they themselves feel increasingly distant from.

The 1960s is perhaps the last decade of the twentieth century when there was a cultural sense of optimism – of what Bertrand Russell may have described as a period of (or indeed of governance through) hope rather than fear. However even within this decade the fear of crime was already emerging as an issue of some significance in the United States, something that emerged, if in an embryonic form, in the UK in the 1970s. In Britain during this decade issues and frameworks of governance like the ‘fear of crime’, the ‘victim’ and issues of ‘safety’ that were to become dominant in the 1990s emerged but remained marginal to state institutions and public life. Fear of crime, victims of crime and new laws to tackle problems of public order all emerged at this time – and indeed grew in significance to some extent in the 1980s. However, the remaining Political contestation in the seventies and eighties – while itself encouraging a certain shift towards a form of governing through crime – also limited this form of governance and prevented the qualitative shift towards the regulation of everyday life that emerged in the 1990s.

The shift towards crime and safety as a core framework for engaging the public developed in the early 1990s - not under Margaret Thatcher, but under her successor John Major – the leader of the Conservative Party at a time when the government was in moral and political disarray. This development was both assisted by the emergence of ‘New’ Labour as the political (with a small p) opposition at this point in time, and then accelerated with the election of a Labour government in 1997.

In the 1990s political parties across the Western world were struggling to find a ‘big idea’ with which to cohere themselves and connect with a public that was fast drifting away from politics. In a period when ‘There Is No Alternative’ (TINA) to the market,

as Margaret Thatcher had argued, but also one in which conservative traditions were in decline (the right were losing what was called the 'culture war'), the Politics of both left and right collapsed. What emerged in its place was a form of micro-politics, a politics without purpose. This is a politics that reacted to events rather than forming them – a politics in a panic.

The subsequent developments at this time have been discussed as a new form of 'governing'. Alternatively we could see the rise of managerialism and regulation in society as a collapse of Governing in any meaningful sense – the loss of the capacity to govern by a political elite with no genuine constituency or connection with social processes. If we talk of 'governing' from this point onwards it is governing with a very small g.

In other words, it was the incapacity of the political elite to Govern – or to engage with what Finlayson (2003) calls the energy of the public, that led to the preoccupation with, and the need to regulate society more directly. The growth of crime as a form of 'governing' was one aspect of this development.

The script provided internationally by the cold war, and in Britain by the conflict between the government and the trade unions gave a certain coherence and purpose to the political right in the 1980s. However, with the fall of the Berlin Wall and the victory over the 'enemy within', the politics of left and right - like an actor on stage who has forgotten his lines - was increasingly lost for words. As we will explore, the outcome of this was that there was an increasing move towards crime as a social problem in and of itself.

Thatcher's Legacy

In Policing the Crisis, a book written exploring the serious political tensions of the early 1970s, the point is made that the use of law by the state had come to be the only 'means left of defending hegemony in conditions of severe crisis' (Hall 1978: 278). Hall usefully notes the militarisation of the police force at the time and the conflict between the trade unions, student activists, and left wing demonstrators, and the growing use of forms of social control to defeat this 'enemy within'. Crime in general also became more significant as a political issue at this time, however, and in comparison to what emerged in the 1990s there remained within this policing of the crisis, a political battle between left and right, a battle of hegemony – an attempt to 'restore authority to government under the 'theme of national unity' against 'extremists' and the 'possibility of the deadly 'student-worker' alliance' (Hall 1978: 279). Law and order became important at this time – but crime was used (at least within the political sphere) as part of a hegemonic battle: Crime was not the thing in itself.

Margaret Thatcher's 'use' of crime was part of a political confrontation – her aim being to defeat the militant 'enemy within' and enforce law and order as she understood it.

Describing the Tory approach to crime, Phipps noted:

Firstly, it became conflated with a number of other issues whose connection was continually reinforced in the public mind – permissiveness, youth cultures, demonstrations, public disorders, black immigration, student unrest, and trade union militancy (Hall 1978). Secondly, crime – by now a metaphorical term invoking the decline of social stability and decent values – was presented as only one aspect of a bitter harvest for which Labour’s brand of social democracy and welfarism was responsible (Phipps 1988: 179).

Crime was here connected to the question of public order and to the wider issue of political order and control. The typical criminals, within this politicised framework, were ‘outsiders’, the violent trade union member or the young black mugger. Traditional British values and individual freedoms were contrasted to the collectivist, promiscuous values of the enemy within (Milne 1995: 26). Even thieves were understood to be part of the ‘something for nothing society’. Here the ‘criminal’, either the burglar or the trade union militant, was to some degree understood to be an immoral actor, or a political enemy and the damage being done was not centrally to the ‘victim’ of crime or the ‘safety’ of the community but to the economy and to the moral values and political order of society. Social control and public order were promoted within both a Political and Moral framework.ⁱⁱ

The idea of ‘restoring people to independence and self reliance’, as Thatcher put it, meant that despite the attacks on the rights of pickets or demonstrators, the notion of the ‘rights’ and ‘freedoms’ of ‘law abiding citizens’ continued to influence Tory policies (Thatcher 1995: 7). Demonstrators and militants were criminalised and their freedoms curtailed not only within the discourse of ‘public order’ but wider everyday

law and order policies and of governance more generally continued to be influenced and somewhat curtailed by a certain libertarianism within the ranks of the Conservative Party.ⁱⁱⁱ The notion, and reality, of the rights-bearing individual limited to some extent the policing and regulation of everyday life.

The trend towards a more individually-focused and legalistic relationship between citizen and the state was already developing in the 1980s as a replacement for the previous welfare state. Meanwhile victims of crime grew in significance at this time, illustrated by the increased government funding for Victim Support Schemes. However, even here we find that victims of crime were often used. Politically, 'paraded' by Conservative politicians and by sections of the media as a 'symbol of disorder', not as the central focus for law and order policy or rhetoric itself (Phipps 1988: 180).

Under Margaret Thatcher, authoritarian measures were developed to back up the battle against the 'enemy within', but otherwise the policing and regulation of people's daily lives was of little political significance and the 'victim of crime' remained marginal to the criminal justice system. 'Antisocial behaviour' was of no importance at this time nor was the term 'community safety'. The 'class struggle' – the confrontation with the unions – in particular with the miners between 1984-5, and the political battle with Labourism and welfarism, of which the politicisation of crime was a part, appears to have given a certain coherence to the conservative political elite and also a sense of political purpose in the 1980s. In the 1990s however, without this 'enemy' to fight, John Major could find little to replace this sense of purpose and the growing preoccupation with crime and order as a thing in itself emerged. The drive

towards imprisonment, CCTV cameras, and an ever wider range of new laws to regulate society came not with the Politicisation of crime, but with the loss of any cohering sense of political purpose.

Major regulation

Margaret Thatcher had politicised crime in the 1980s and developed a more authoritarian society. New laws were developed against, ‘illegal immigrants’, ‘terrorists’, demonstrators, pickets and marchers. For radical political opponents of the government, the active sections of the labour movement, and those groups targeted as ‘outsiders’ and a threat to ‘the British way of life’ – like inner city blacks – 1980s Britain could be seen as a ‘police state’ (Heartfield 2002: 165). The fight against crime more generally was also incorporated into Thatcherism through the promotion of contrasting good honest ‘British values’ of hard work and enterprise. However, more broadly in society, outside of these ‘high risk groups’, crime, safety and the general everyday antisocial behaviour of individuals was of far less importance – at least in terms of political rhetoric and legal sanction – than it was to become in the 1990s.^{iv} John Major’s premiership, from 1990 to 1997, saw an acceleration of new laws and an increase in forms of policing. There was also a transformation in the rhetoric about prisons and with this a greater increase in the use of prisons than at any time since the Second World War (Dunbar and Langdon 1998). This was not, however, simply a continuation of Margaret Thatcher’s political authoritarianism, but was a transitional period to the new diminished form of governing that was to emerge under New Labour – a form of governing that was to become increasingly organised around crime and safety. Under John Major the

individuated society became increasingly organised around crime and safety, not as a means to a wider political end, but as the end itself.

With the old enemy of the left defeated, nationally and internationally, the question of what the Conservatives stood for, and what political and moral principles they should fight for was less clear. The Major government attempted to discover new 'others' and re-run the battles of the 1980s, but with limited success – both in terms of the internal coherence this generated amongst the conservative elite, and in engaging the public. The Labour Party, for example, continued to be labelled 'socialist' - despite Labour's manifesto at the time being the first in its history not to mention the word socialism; moral battles were attempted – against a new section of the working class - the 'underclass'; and a new 'enemy within' was discovered in the form of teenage 'joy riders' and 'persistent young offenders', turning, as Graef noted, the fight against the 'miners' of the 1980s towards a fight against 'minors' (Graef 1995 quoted in Scraton 1997: 134). Subsequently, laws were introduced that created, 'a new generation of child prisoners', returning the British Criminal Justice System, 'not...to the 1970s but to a period preceding the Children Act 1908' (Goldson 1997: 30). The focus on young people intensified and Home Secretary Michael Howard explained that self-centred hoodlums would no longer be able to hide from the law simply because of their age. The reach of 'law and order' it seemed had not gone far enough into society and communities, and now needed to stretch down even further to punish children. Goldson notes how despite the 'most consistent, vitriolic and vindictive affront to justice and welfare', under Margaret Thatcher, the criminal justice approach to young people developed under principles that resulted in 'diversion,

decriminalisation and decarceration in policy and practice with children in trouble'. This all changed under the Major government.

The Conservatives in the 1990s increasingly fought battles with phantoms, attempting to create new 'others' to give themselves a sense of coherence but increasingly looked desperate and out of touch as the 'zombie categories' from the past made less sense in a changed more 'liquid' society (Bauman 2000).

Lacking genuine political coherence the Major government instinctively began to focus on crime as a problem to give itself some direction and rhetorical significance. In 1993 for example, the then Home Secretary Michael Howard 'broke the policy of a century by declaring that "Prison works"' (Dunbar and Langdon 1998: 115). Prison numbers began to increase significantly, as did the number of children under the age of 18 entering the prison system.^v Now the Criminal Justice System itself became the means through which society and the behaviour of the individual would be changed. As Dunbar and Langdon note:

Both penal policy and relations between government and judiciary had been changed far more within the lifetime of the Major administration than had happened at any of the changes of government since the end of the Second World War, at least (Dunbar and Langdon 1998: 2).

Rather than using law and order to crusade and battle the 'enemy within', John Major in 1993 simply promoted a 'crusade against crime' (Dunbar and Langdon 1998: 115).

As the political commentator Hugo Young noted, unlike Thatcher's 'Victorian values' which were largely based on an 'economic rule book for individualists', which rarely 'posit a social order handed down from above'. Major's promotion of 'family values', was a disciplinary code, targeted at 'slack' parents and communities, by a government, 'more and more desperate to achieve social control' by trying to 'impose standards which they, at the centre, define' (*Guardian* 4 January 1994).

Now more than ever before, law and order became the, 'only effective deterrent in a society that no longer [knew] the difference between right and wrong' (Lasch 1977: 187). The increasing use of law to enforce moral behaviour, and of prison to lock more people up, of CCTV cameras monitoring city streets and council bans on 'street drinking' indicated not the rise of the moral right but rather its demise. Despite the decline of the old enemy within, and indeed arguably because of it – rather than crime and disorder becoming less significant within politics, it became far more important.

From the 1980s on, the Conservative party had used moral rhetoric and developed law and order as both a tool with which to beat the left, but also as a way to promote an alternative, a new vision for Britain. Much of the moral rhetoric of the Thatcher government did not result in a coherent policy on the family (Durham 1991: 142), however, traditional institutions like the family and the nation were central to the rhetoric of 1980s Conservatives. By the early 1990s, however, the defeat of the labour movement had created a far more fragmented society, while the cohering basis of the nation and the family was in decline. At this point in time, the law and order policies of the Conservatives changed under John Major and a more systematic and diffuse form of regulation emerged. Major continued to frame much of his crime 'crusade'

within the political rhetoric of the past: however, moral pontificating about single parents, and law and order initiatives targeted at the ‘underclass’, at dangerous dogs (Dangerous Dogs Act 1991), or against raves (Criminal Justice and Public Order Act 1994), based on a watered down form of ‘class war’, could no longer cohere the conservative elite, or engage significant sections of the public as it once had. It was New Labour who were able to engage more systematically with the fragmented and ‘vulnerable’ public outside of the old moral and political framework of the 1980s, and were able to become the new party of law and order.

New party of law and order

With the decline of the labour movement and the welfare state as a framework for government to organise society and engage with the public, a new basis for policy development and public legitimacy was sought. The collective public of the past was now far more fragmented – and policies were increasingly formulated to relate to people as individuals, or as consumers of services. However, the relative economic failure of the Conservative governments coupled with the loss of collective purpose in politics resulted not in the creation of the dynamic individual subject but in a more insecure and uncertain one: The ‘individual’ that emerged from the 1990s was individuated rather than individualised.

Having jettisoned its relationship with ‘old’ Labour and without the libertarian outlook of sections of the right, the new Labour leadership was able to reengage more systematically with this individual through their sense of fear and anxiety. This relationship was less political and less a relationship between active individuals and

their political representatives than a form of advocacy and protection of the newly constructed vulnerable public.

The 1997 General Election brought the first Labour government to power since 1979: A government that made 'Tackling the epidemic of crime and disorder... a top priority', and one that saw, 'Securing people's physical security, freeing them from the fear of crime and disorder [as] the greatest liberty government can guarantee' (Labour 1996: 4). Before 1997 Labour manifestos rarely mentioned crime or mentioned it in relationship to structural issues, now, as a Guardian columnist noted there were two pages on law and order, 'with "zero tolerance" strategies and child curfews fighting for room next to pledges to early legislation for a post-Dunblane ban on all hand guns. Such policies seemed unthinkable five years ago' (Guardian 4 April 1997).

The trend in Labour policies and approach towards crime also became most pronounced around 1993. Tony Blair was Shadow Home Secretary at this point, becoming leader in 1994 when he scrapped Clause Four of the Labour Party Constitution – an act that was seen as making a clear break with Labour's collectivist socialist past. In 1993 Blair also made his famous 'tough on crime, tough on the causes of crime' speech while arguing that both crime and 'chronic' forms of disruptive behaviour needed to be targeted. A 'zero tolerance' approach to antisocial behaviour was proclaimed and the Labour leadership moved to distance itself from the notion of crime and delinquency being directly associated with inequality. A 'Quiet Life' from nuisance neighbours was proposed, and the idea of curfews for young children aired. When the new Shadow Home Secretary Jack Straw supported

the Conservative government proposed version of the US policy of 'three strikes and you're out', a clear 'break with past Labour policy' was established (Downes and Morgan 1997:100-6). Finally, by incorporating the fear of crime and also more petty forms of disruptive behaviour in the discussion of crime, New Labour understood there to be an 'epidemic' of crime and disorder. The logic of this approach meant that the entire population became conceptualised as potential 'victims of crime'.

Through a depoliticised therapeutic gaze (Nolan 1998) the concern about crime shifted onto the 'damage' done to individuals - the 'fear' and 'misery' caused by a 'life of hell'. Rather than the moral, political or economic concerns about crime, here the central focus became the individual and their personal 'well being'. According to this outlook, the greatest liberty Labour could bring to the public was to free people from the fear of crime and disorder. By being thoughtful, sensitive and caring, the victims of crime would thus regain a trust in the criminal justice system and indeed in the Labour Party itself.

In this respect, New Labour had not simply moved away from 'Old' Labour's understanding of crime, but had also moved on from the Conservative understanding of the problem. An example of this change can be seen within the debate about aggressive beggars.

Aggressive Begging

The 'problem' of aggressive begging was first raised in the UK in 1994 by the then Conservative Prime Minister John Major. Seen as a desperate election stunt, at the

time Tony Blair mocked the Tories for their petty small mindedness. However, a year later, to the amazement of many traditional Labour supporters, Jack Straw and Tony Blair launched their own attack upon these same 'aggressive' beggars.

The form of these two attacks on begging were however quite different.

The Conservative attack for example, saw the Chancellor Kenneth Clarke supporting John Major by differentiating between alcoholics and mentally ill beggars and those, 'beggars in designer jeans' who received benefits and 'think it is perfectly acceptable to add to their income by begging'. For the Conservative leadership the problem was the act of begging by people who wanted 'something for nothing'. The focus of concern was not the beggars behaviour to the public, but his 'scrounging' (*Times* 3 June 1994). This work-shy beggar was breaking the law, and immorally cheating the public of benefits.

Labour's Jack Straw at this time acted as a key opposition to Major and Clarke, who he described as 'climbing into the gutter alongside the unfortunate beggars' (*Times* 29 May 1994). However a year later following his trip to the United States the same Jack Straw, using American labels, attacked the 'aggressive begging of winos, addicts and squeegee merchants' (*Guardian* 5 September 1995).

The Labour leadership's attack on aggressive begging was more sustained than the previous Conservative one – and for the first time in their history Labour were seen to be putting the Tories on the defensive over crime. Indeed, now it was the turn of the

Conservative government to call foul and declare that crime (according to the official statistics) was actually falling.

The attack by the shadow home secretary was linked to John Major's, 'understand a little less - condemn a little more' outlook developed by the Conservative Party; however the framework for this attack was different. Whereas John Major and his chancellor Kenneth Clarke had attacked the illegal problem of begging itself as part of a problem of welfare cheats, Jack Straw was not concerned with the act of begging so much as the aggressive behaviour that came with it. Where Clarke had removed 'alcoholics and mentally ill people' from his condemnation of scrounging beggars, for Straw, all beggars who acted aggressively were condemned. In practice the alcoholics and mentally ill beggars were perhaps even more likely than the 'scroungers' to be the 'aggressive' problem identified by Straw. Here New Labour redefined begging not as an offence against the laws of society or a political or social problem of welfare cheats but specifically as an offence against the public sense of well-being. Now rather than the illegal act of begging being the problem – it was the previously legal 'attitude' and behaviour of the beggar that was criminalised: To protect the newly conceptualised vulnerable public, 'aggressiveness' needed to be outlawed on British streets.

Relating more specifically to vulnerable groups Jack Straw argued that the Tories had failed to understand the significance of street disorder as a cause of the fear of crime, the 'loutish behaviour and incivility' that made the streets 'uncomfortable, especially for women and black and Asian people' (Guardian 9 September 1995). Here the public were presented as being victimised by the aggressiveness of the beggars – of

being 'intimidated', 'harassed' and 'bullied' by their 'uncivil' and 'loutish' behaviour. Here it was not public order that the Labour leadership stood up to protect – but the individual's sense of order and safety; this was not a Political move to 'defend British law and order', but a new therapeutically oriented attempt to advocate on behalf of individual victims of this form of harassment; the offence was not an illegal one against the state, but a form of bad behaviour against the emotional well being of the individual.^{vi}

Where previously the Conservatives had attempted to give the issue a political basis by discussing the problem of welfare cheats, Labour's defence of the public sense of well-being lacked any wider political content. The Tories' argument was based on an idea of protecting 'society' from benefit cheats. In contrast Labour's approach was asocial and was predicated upon an engagement with and protection of the vulnerable individual. The correct standard of behaviour was set not by society, as such, but by the (presumed) feelings of the individual.

Challenged by liberal newspapers and homelessness charities Jack Straw and Tony Blair remained unrepentant but noted that they would provide support and housing for the homeless but once this was done there could be no excuse for aggressive begging. These challenges to the Labour leadership based on structural arguments from the past had little impact, however when beggars were defended as the victims of violence and aggressive behaviour themselves, Blair and Straw were put on the defensive. The charity Crisis, for example, argued that, 'Our research indicates that homeless people beg as a last resort and it is a humiliating experience. Crisis would not condone violence but homeless people are more likely to be on the receiving end than be the

aggressors' (Guardian 11 October 1995). By advocating on behalf of the real victims, the homeless charities put pressure on the Labour leadership in a way that those arguing for welfare support rather than punishment had been unable to do, and eventually Tony Blair gave an interview to the homeless magazine The Big Issue, where he defended his views about aggressive beggars. Here he reiterated his concerns about intimidating behaviour but pointed out that this was not a policy of simply clearing beggars off the street and that he was aware that beggars were often victims themselves of aggressive behaviour which he equally condemned. Blair's approach was to 'make the streets safe' for everyone - 'What is needed is not abuse of people who have become homeless, often through great misfortune, but measures to get them out of their situation' (Guardian 8 January 1997). Blair would support and protect both beggars and the general public so long as they all behaved themselves and did not intimidate one another; or as Jack Straw pointed out, his concern was with the 'liberty of victims' whoever they may be (Guardian 6 September 1995).

The politicisation and problematisation of aggressive begging was dependant upon an outlook that understood the problem of this 'crime' as one of incivility that undermined the feeling of security of the public. The legitimisation gained by the Labour approach was here based not on a political battle between those for or against welfarism, or in defence of society's laws, but on a more asocial therapeutically oriented relationship with individuals. The connection between the individual and the state was now more direct and based less on the collective will of the people represented in the laws of society than in the protection of the atomised individual's emotional well being.

New Labour and community safety

The example of the 'aggressive beggar' is useful in that it indicates the attempt by New Labour to change their relationship with the public and develop a form of advocacy to engage what they understood to be a fundamentally vulnerable individual. The approach adopted by the Labour party and the justificatory framework that was being developed was now more therapeutic than political – safety, and particularly the feeling of safety, being the goal.

Safety as an organising framework for governance developed through the 1990s within both the Conservative and Labour Party and began to be a more significant basis for developing a relationship between the government, local authorities and individuals at this time. Now the relationship with the public was transformed from a political one to a more technical and managerial form of protection.

One example of this new relationship was seen with the increasing centrality of ideas associated with 'safety' – like Community Safety, a concept that became one of the new organising principles for local authorities. First discussed and used in the late 1980s, the idea of 'community safety' had been used economically - to improving business confidence and increase entrepreneurialism (Gilling 1999). In the 1990s however, the issue of safety became a more central focus for the organisation of local authorities. Here the re-creation of communities and the relationship between the political elite and state institutions developed more systematically in relation to 'safety' as an end in itself. Emerging during the final years of the Conservative government, community safety initiatives increased significantly under New Labour

from 1997. Where Thatcher had understood the creation of 'safer cities' as a means to developing the economic basis of communities, increasingly in the 1990s 'community safety' became the end point of the new therapeutically conceptualised community. Local Authorities and Labour Authorities in particular, now adopted the notion of 'community safety' as a priority category around which to develop services.

As the nature of politics changed and the public became more disaggregated the relationship between the state and the individual increasingly became organised around safety issues. This development also emerged within the workplace at this time and helped to transform the relationship between the public and many public sector workers. Reflecting the more insecure and fragmented climate of the 1990s, this relationship developed around the sentiment of vulnerability and professions that had been renowned for their 'caring' approach to a public of which they once felt part were increasingly encouraged to monitor the behaviour of their 'clients' and 'customers', and to protect their members from antisocial behaviour (Waiton 2008: 69).

By the 1997 general election, the idea of the 'politics of left and right' had little meaning. Now politics was increasingly about the managing of public services and the management of public insecurities and behaviour.^{vii} Indeed, with the end of welfarism and 'Old' Labour, the promotion of concerns connected to antisocial behaviour were developed in the 1990s most fervently by sections of the Labour movement.

Prior to the 1990s, the Labour Party, the labour movement and Labour local authorities had often acted as a barrier to the politicisation of crime as a social problem in and of itself. With the transformation of Labour politics, not only was this barrier removed, but also New Labour organisations become the most vociferous advocates of community safety. In the 1990s, unions and local authorities, in unison with Labour politicians, developed a relationship with the public based not on a wider social, political or moral framework but by engaging with the sense of atomised insecurity. The relationship with a 'victimised' public was also being developed by the Conservative government at this time, illustrated for example with the introduction of the Victims' Charter in 1990, although with one foot still in the past, there remained a tendency for the Tories to prioritise the targeting of deviant 'groups' within a more class-based political, and traditional moralistic, framework. For example with the Criminal Justice Act of 1994, the Conservatives targeted particular deviant groups like squatters, new age travellers and ravers – an Act that received significant opposition from the liberal press.

The Conservatives continued to use the traditional moral and confrontational rhetoric of the 1980s in their condemnation of yobs and criminals, unlike New Labour who - while maintaining and even escalated this condemnation – did so by adopting the more amoral form of moralising that relied not upon political and traditional moral values but upon an individuated sense of fear and insecurity, and a defence of 'vulnerable groups'. New Labour's cosmopolitan authoritarianism was far more appropriate for the more 'liquid' relationships of the time (Bauman 2000): Relating to the public as fundamentally vulnerable, Tony Blair was able to tap into the culture of

fear (Furedi 1997) and use 'safety' as a modern day slogan – a therapeutic promise of a quiet life for all.

In the 1990s, 'vulnerability' became an increasingly important framework through which society and individuals were understood. The Conservative Party's association with moral and political pronouncements about 'muggers' and 'scroungers', added to its hard-nosed, 'get on your bike', image and meant that its capacity to relate to the universalising sense of victimhood was more limited. New Labour, however, having unshackled itself from the 'old' labour movement was able to relate to individuals - but individuals not as political subjects – but as isolated and diminished subjects – as victims who were part of the vulnerable public.

Constructing victims

The rise of 'victims' as a new basis for 'claimsmaking', as the American social constructionist Joel Best (1993, 1995 and 1999) observes, has grown apace since the late 1960s, incorporating both left and right wing campaigners. In the UK engaging with 'victims' developed in the 1980s and became increasingly dominant in the 1990s – with for example the Criminal Justice System itself reorienting its activities around the 'victim of crime'.

The first significant identification of and support for 'victims' emerged in the 1960s in the form of an American conservative reaction to criminal justice processes that were understood to be more concerned with the rights of criminals than with victims' rights (Best 1999: 98). Reflecting a more distant and pessimistic belief in the state

policies of the time, this defence of the victim also signified a sense of alienation from social institutions and political processes. By the 1970s the pessimism towards welfarism, and the rehabilitative approach within the American criminal justice system, was becoming more pronounced – and there was a growing sense that, in terms of state responses to crime and punishment, ‘nothing works’ (Feeley 2003: 119).^{viii} This pessimism was also emerging within the UK, and the (relative) vision and optimism of the expansive politics of the welfare state began to unravel (Garland 1985). By the 1980s numerous Home Office reports were arguing that the government could not resolve the current crisis within the criminal justice system - reflecting the sense that, as Garland argues, man was losing his ‘strong moral compass’ (Garland 1996: 451).

The claim for the rights of victims represented a certain shift within social thought about the relationship of the individual with society. Where previously the criminal justice system was understood as a representation of society’s (or the public’s) laws, by focusing upon the victim of crime, the priority was given to the individual who had been ‘damaged’ by the criminal and who also felt estranged from the existing justice system.

In the UK in the late 1980s, radical Labour Party activists from a feminist and left realist perspective played a key role in reconceptualising the issue of crime – turning it from an issue that was largely ignored by those on the left, into a ‘working class’ issue itself. Developing victim surveys of crime, these radical critics of the Conservative government began to discover and act as advocates for ‘victims of crime’ in rundown areas of London.

At this point in time, and especially after the third Labour election defeat by Margaret Thatcher's Conservative Party, many feminist and left realist concerns about the impact of crime on individuals and society drew closer to the official criminological approach - especially with the common use of victim statistics. 'Establishment' criminology had undergone its own transformation during this period moving from a positivist belief in society's capacity to overcome the problem of crime to an 'administrative criminology' (Young 1988: 174); this administrative criminology, associated with James Q. Wilson (1975), being a more pragmatic method of dealing with the effects of crime rather than addressing or even attempting to understand the causes of it. Despite the political nature of much of the feminist and particularly the left realists approach to crime, the common bond that had brought them and the official criminologist closer to one another was a diminished belief in social possibilities to resolve the problem of crime. With a greater pessimism about society and a greater sense of distance from social change and outcomes, radical and conservative thinkers became more preoccupied with the plight of the victim. The public, or at least substantial sections of it were now increasingly conceptualised as being what Stanko described as 'universally vulnerable' (Pain 1995: 596).

In the editor's introduction to Confronting Crime in the mid 1980s, Matthews and Young pointed out that, 'if the women's movement has indicated the way forward in terms of the creation of a radical victimology, it is now time to extend its theoretical and political potential' (Matthews and Young 1986: 3). Crime for these left realists needed to be taken seriously and victims needed to be placed at the centre of concern for criminologists and the state. Increasingly for left realists, crime and antisocial

behaviour became a prism through which problems in working class areas were understood.

It was sections of the left who, with the support of their victim surveys, both discovered and advocated on behalf of women, blacks and the poor as *victims* of crime, the problem of fragmented communities being located within the prism of crime, antisocial behaviour and the fear of crime. Indeed crime and the fear of it became so central to Young's understanding of the conditions of the working class that, when finding that young men's fear of crime was low despite them being the main victims of crime, he argued that in a sense they had a false consciousness. Rather than trying to allay women's fears about the slim chance of serious crime happening to them, Young questioned whether it 'would not be more advisable to attempt to raise the fear of crime of young men rather than to lower that of other parts of the public?' (Young 1988a: 172).

Conclusion

Nothing can justify the step change in the number of criminal offences invented by this Government. This provides a devastating insight into the real legacy of nine years of New Labour government - a frenzied approach to law-making, thousands of new offences, an illiberal belief in heavy-handed regulation, an obsession with controlling the minutiae of everyday life
(Liberal Democrat MP Nick Clegg in the *Independent* 16 August 2006).

In the 1980s Margaret Thatcher had fought a 'battle for hegemony'. In the 1990s John Major appeared to want to continue this battle – but now with 'zombies', rather than with any real enemy. Rather than the victory over the 'enemy within' resulting in a flourishing capitalist society, a loyal and engaged public and a confident elite, the loss of this old enemy helped to create a more fragmented and insecure public and a wider sense of confusion and disorientation across all groups in society.^{ix}

As the leader in the conservative Daily Telegraph noted in February 1993,

A mental state of pessimistic fatalism has the country in its grip. The sense of national despondency is not purely political and economic...but spans almost the entire range of human experience...The sense that things have rarely been as bad and can only get worse is now a major influence holding back recovery (Scruton 1997: 49).

By the time Labour were elected in 1997 politics had been diminished. Now both a more technical and a more therapeutic relationship with individuals was developed by the government. Crime and safety consequently became a key framework for governing insecurities, one that appealed to the more limited mindset of the political elite.

As Bauman has noted, this is an elite that lacks coherence, vision or ambition, an elite that attempts to "rule without burdening itself with the chores of administration, management, welfare concerns, or, for that matter, with the mission of 'bringing light', 'reforming the ways', morally uplifting, 'civilizing' and cultural crusades"

(Bauman 2000: 13). Where past rules were set down by the ‘captains’ of society and ‘displayed in bold letters in every passageway’ - rules that could be followed or challenged – today, in comparison, ‘the passengers of the ‘Light Capitalism’ aircraft...discover to their horror that the pilot’s cabin is empty’ (2000: 59).

This is an elite that deals with fragments rather than the whole; an incompetent plate spinner endlessly rushing around to prevent things from crashing down around him. Without purpose and unable to engage the ‘energy of the public’, the *light* political elite feel society is constantly spinning out of control – in need of ever more laws and regulations.

Despite the market ‘victory’ of the 1980s, the Ideology, Politics and Morality of the right had not won. Rather, as the emergence of ‘New’ Labour illustrates, the isms of the past had been abandoned, hegemony itself was side stepped, and politicians stood not as representatives of active political citizens but as advocates of diminished subjects. Or as Heartfield argues, the human subject persists, but in denial of its own subjectivity (2002).

Within this context, it was not the assertive, independent and robust neo-liberal Promethean Man who was constructed and engaged with, but the vulnerable and the victim. The victim could not be universalised while the Politics of left and right engaged with the public as active individuals. However, by the 1990s the more passive and fragile characteristics of the public was increasingly being represented through the ‘right’ wing image of the victim of jobs, and the ‘left’ wing image of

vulnerable groups. Over time the public as a whole came to be seen and represented as intrinsically vulnerable: Increasingly engaged with through the prism of safety.

At the height of Labour's 'Aggressive Beggars' campaign the *Guardian* newspaper reported that over half the people surveyed in an opinion poll said that they did not find beggars 'offensive'. Nevertheless a new framework for regulating public space was established, normalising 'safety' and indeed protection and prevention as public norms (*Guardian* 23 April 1997).

Once the human condition was understood through the sentiment of vulnerability, new social problems emerge and were constructed, while institutional practices change to accommodate (and indeed to construct) this more fragile individual. In Britain today for example, 'victims' of crime are increasingly offered counselling by the police and within the criminal justice system witnesses are given increased protection from intimidation, while the debate continues as to how best to support crime victims and organise the justice system around their (presumed) needs.

In Jonathan Simon's Governing Through Crime the rise of this victim of crime is correctly seen as being central to crime governance today – something that Simon himself sees as being problematic. However, while recognising some differences Simon also sees the victim of crime as just 'the latest in a whole parade of idealized subjects' which includes the yeoman farmer of the nineteenth century and the industrial worker of the twentieth (Simon 2007: 77). But these subjects are not comparable.

Previous 'idealized subjects' were defined (and indeed 'defined' themselves) by their activity – by the work they did as farmers or workers, or by their active moral and political qualities and activities. The 'victim' has in comparison become iconic because of the diminished subjectivity it represents. As someone who can only exist by virtue of things being done to them.

This more powerless and one-sidedly passive subject increasingly formed the basis of crime policy and rhetoric in the 1990s. Universalised in the form of the vulnerable public, crime policies erupted onto the scene under New Labour as the more fragile individual was offered increasing protection from actions and indeed words and forms of offence. Now it was no longer simply crime that was a problem, but the 'fear of crime', previously non-criminal activities like 'antisocial behaviour', and even the negative hateful thoughts and language used by people. Conceptualised as fundamentally vulnerable, this more 'caring' and therapeutic approach to the public helped to accelerate the new authoritarian dynamic. Now rights previously based on liberty were transformed into forms of protection – the government and police ensuring the 'right to a quiet life' and the 'freedom from fear'.

With a diminished view of the public, it was assumed that crime had a more serious impact on the individual than was previously the case - crime itself was subsequently understood to be a more significant and 'traumatising' problem for the individual. Similarly, at a societal level, crime was re-politicised and the battle against it became seen as of central importance for the 'rebuilding of communities'.

Understood as being easily 'offended' the public were now to be protected from 'aggressive beggars', 'noisy neighbours' and 'antisocial yobs'. Consequently the gated individual – was encouraged to reengage with institutions who would protect, intervene, mediate and resolve problems with other people on his behalf. 'Offence' claims now became a new basis for demanding state support and recognition – resulting in ever more calls for 'something to be done', for new laws and more regulations and surveillance.

This produced an institutionalising spiral of vulnerability.

The 'victim' became the icon of late twentieth century life, an icon based upon a more individuated sense of insecurity amongst the public, but also one that was a representation – a mirror image - of the diminished elite itself: An anxious elite that lacked the capacity to direct social processes and side-stepped any attempt to order society around a coherent sense of right and wrong.

Lacking a 'vision thing' with which to imagine the future and direct society the imagination of the political elite (indeed of Western culture more generally) has withered and where there was previously a sense of possibilities and improvement, today's energy is put into attempts at damage limitation and harm reduction. Within this more limited mindset the tendency is to shift ones eyes from the horizon and onto the 'gutter' to discover ad nauseam the dangers that lurk there in.^x

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ⁱ The collapse of labour movements throughout the world, and the economic 'victory' of the free market has had a profound impact upon society. However, this 'victory' did not result in a confident free market elite emerging, but interestingly the loss of the political opposition of the left appeared to undermine the confidence of the conservative elite itself. From this point on a more negative interpretation of capitalism developed – even within this elite itself. The concern about 'greed' for example, was not simply a left wing reaction in the 1990s, as Philips observed with reference to the United States, 'Many conservatives, including President George Bush himself, were becoming defensive about great wealth, wanton money-making greed'. As Heartfield argues, at this time the capacity of the market to inspire was in decline and concern about 'fat cats' in the West, the 'lawless' free market states of the East, and the inhumanity of capitalism in China, grew (Heartfield (2003).

ⁱⁱ Where the petty criminal acts of children were mentioned, the target was not simply with this behaviour itself, nor the impact it had on individuals, but rather with the 'soft liberal' moral values – held by teachers and social workers – that it was assumed were the cause of undermining British Victorian values of discipline, hard work and a 'stiff upper lip' (Pearson 1982).

ⁱⁱⁱ The distinction drawn in this paper between the political use of crime by Margaret Thatcher and the micro-political approach of John Major, is overly demarcated, and is done more to indicate what was different about these two approaches in the decades of the eighties and nineties. In reality however, by 1987 the labour movement had largely been defeated, with the loss of the miners strike and the third consecutive election defeat for the Labour Party. With the demise of labourism the purpose and coherence of 'Thatcherism' regarding law and order also began to wane. Ironically, with the defeat of the 'enemy within' the Tory's belief that they could resolve the problem of crime actually declined, and they stopped 'claiming that their policies would reduce the incidence of crime' (Downes and Morgan 1997: 290). Now crime became understood more as a problem in and of itself rather than the through the political and moral prism of 'Thatcherism', and with the loss of political purpose it became understood to be more not less of an intractable problem, something that had origins 'deep in society'. The Thatcherite framework for addressing the issue of crime remained to some extent but became less and less relevant, while the understanding of crime as an everyday problem of behaviour began to emerge. Rather than engaging with the political fight against demonstrators and disruptors, the Conservatives began to engaged more with the issue of crime as a problem in and of itself. Fighting crime, rather than the 'enemy within' became a, 'task for everyone' to be involved with. For Downes

and Morgan, this de-Politicisation of crime (and indeed the growing acceptance of crime as a problem by the Labour Party) represented a display of, 'greater realism and restraint'. This is true. However, the growth of realism should perhaps more readily be understood as a growth of pessimism and a loss of purpose within politics – something that both undermined the political elite's coherence and sense of political order, and led to the growing feeling that society was itself out of control.

^{iv} Crime was certainly an issue that the Conservative government used in the 1980s, however, as Dunbar and Langdon note, it was not an issue that was, 'very prominent in either of the general elections of 1983 or 1987' (Dunbar and Langdon 1998: 100).

^v Reference <http://www.rethinking.org.uk/facts/system.shtml> [on 29/Nov 2005]

^{vi} See Frank Furedi's *Therapy Culture*.

^{vii} Writing in 2003, one Labour MP described the changing relationship with the electorate: 'What my constituents see as politics has changed out of all recognition during the 20 years or so since I first became their Member of Parliament. From a traditional fare of social security complaints, housing transfers, unfair dismissals, as well as job losses, constituents now more often than not, ask what can be done to stop their lives being made a misery by the unacceptable behaviour of some neighbours, or more commonly, their neighbours' children' (Field 2003: 9).

^{viii} James Q. Wilson's book *Thinking about Crime* (1975), written from a conservative perspective, was even more influential in questioning the idea that the 'causes' of crime could be tackled, leading to a pragmatism and technical approach to crime reduction

^{ix} It is worth noting that Margaret Thatcher's ideal of restoring people to independence and self reliance, as Heartfield notes, failed even in terms of 'rolling back the state' (2002: 156). State subsidies replaced nationalised industries; 'dependency' on the state increased in the form of unemployment benefits expanding the number of those reliant upon the state more than any other post-war government; regulation of industry in the form of organisations such as Ofwat increased; and from 1985-1994 the number of quangos increased exponentially, rising to 5521 by 1994. Rather than the rise of the *free* market, what emerged was an alternatively regulated society, and despite the defeat of collective working class institutions, 'flowing individualism' did not emerge (Heartfield 2002: 158-160).

^x A good example of the fear of the future has been observed by Zimring who notes that, in American policy circles the forecasted rise in the youth population has been interpreted only from a negative standpoint – as meaning more 'youth' which in turn means more violence – more rape and murder. That more young people can be seen in this way gives a good indication of the sense of dread about the future – and the limited capacity in the most powerful country in the world to do anything about it (Zimring 2000: 179).